

REMARKS

Claims 1-6, 9, 10, 19, 20, 31, 33, 65, 66, 86, 91, 109-114, 117, 118, 121, 127, 128, 138, 139, 141, 156, 201, 202, 206, 218, 219, 221, 229, 233, 244, 549-557, 562-568, and 573-576 are pending in the present application. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the rejections and allowance of the application.

Amendments to the Claims

Without conceding to the Examiner's rejections and for the purpose of expediting prosecution, Applicant has amended claims 562 and 563 by omitting the portions that stated "without delay perceivable by a listener." Applicant reserves the right to pursue any or all of the original claims at a later time, either within the present application or in future application(s). Applicant does not believe any new matter has been introduced by these amendments.

Rejections under 35 U.S.C. § 112

The Examiner asserts that claims 562 and 563 are rejected under 35 U.S.C § 112 ¶ 2. *Final Action*, 3. Applicant traverses. In light of the current amendments to claims 562 and 563, Applicant contends that the rejection thereof under 35 U.S.C § 112 ¶ 2 is overcome. As such, Applicant respectfully requests the rejection be withdrawn.

Rejections under 35 U.S.C § 102

The Examiner asserts that claims 1-4, 31, 65, 66, 91, 109-112, 118, 121, 139, 156, 201, 202, 206, 218, 219, 221, 244, 553, 557, 562, 563, 565-568, 575, and 576 are rejected under 35 U.S.C. 102(a) as being anticipated by Jo ("Synchronized one-to-many media streaming with adaptive playout control," December 10, 2002) [hereinafter "*Jo*"]. *Final Action*, 7. Applicant traverses.

**JO DOES NOT TEACH OR SUGGEST SYNCHRONY GROUP DEVICES
EXECUTING TASKS PER A CLOCK MAINTAINED BY A TASK SOURCE DEVICE**

Applicant wishes to briefly identify for the Examiner's reconsideration a few points for the patentability of Applicant's claims in light of the teachings of Jo:

Applicant's independent claim 1 recites, in part, "each task being associated with a time stamp indicating a time, **relative to a clock maintained by the task source device, at which the devices comprising the synchrony group are to execute the respective task.**"

Jo does not teach or suggest this limitation.

Instead, Jo teaches "each client locally controls the playback speed to prevent **buffer overflow/underflow.**" Jo, Section 1.

Further, Jo teaches "[b]ased on the timing and buffering status, the scheduler [within each client] controls the adaptive playout..." Jo, Section 2.2.

Additionally, Jo teaches "[i]n this paper, we assume that globally synchronized time reference is not available." Jo, Section 2.3.

Applicant respectfully submits for this reason, at least, independent claim 1 should be allowed. Additionally, as independent claims 65, 109, 201, 218, 557, and 576 include similar elements to those of independent claim 1, claims 65, 109, 201, 218, 557, and 576 are likewise patentable for at least the same reasons.

Furthermore, as a dependent claim incorporates by reference all the limitation of the claim from which it depends (see 35 U.S.C. § 112, ¶ 4), claims 2-4, 31, 66, 91, 110-112, 118, 121, 139, 156, 202, 206, 219, 221, 244, 553, 562, 563, 565-568, and 575 are allowable for at least the same reasons as the independent claim from which they depend.

Rejections under 35 U.S.C. § 103

The Examiner asserts that claims 5, 9, 10, 20, 33, 86, 113, 114, 117, 127, 128, 141, 229, 233, 554, and 555 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo* in view of *Anjum* (U.S. Pub. No. 2003/00992121) [hereinafter "*Anjum*"]. *Final Action*, 16. The Examiner also asserts that claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo* in view of *Anjum*, and further in view of *Powers* (U.S. Pub. No. 2004/0203378) [hereinafter "*Powers*"]. *Final Action*, 20. Additionally, the Examiner asserts that claims 138, 564, 573, and 574 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo* in view of *Miyabe* (U.S. Pub. No. 2001/0032188) [hereinafter "*Miyabe*"]. *Final Action*, 21. The Examiner further asserts that claims 6, 551, and 556 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo* in view of *Tusk* (U.S. Pat. No. 7,312, 785) [hereinafter "*Tusk*"]. *Final Action*, 22. Moreover, the Examiner asserts that claim 552 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo* in view of *Anjum*, and further in view of *Lo* (U.S. Pat. No. 6,031,818) [hereinafter "*Lo*"]. *Final Action*, 23. Finally, the Examiner asserts that claims 549 and 550 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo* in view of *Flood* (U.S. Pat. No. 7,007,106) [hereinafter "*Flood*"]. *Final Action*, 24. Applicant traverses.

Applicant respectfully disagrees with the Examiner's rejection of claims 5, 6, 9, 10, 19, 20, 33, 86, 113, 114, 117, 127, 128, 138, 141, 229, 233, 549-552, 554-556, 564, 573, and 574, in that claims 5, 6, 9, 10, 19, 20, 33, 86, 113, 114, 117, 127, 128, 138, 141, 229, 233, 549-552, 554-556, 564, 573, and 574 depend from otherwise allowable claims as discussed in detail herein. (See 35 U.S.C. § 112, ¶ 4.) As neither *Anjum*, *Powers*, *Miyabe*, *Tusk*, *Lo*, nor *Flood* do anything to overcome the absent teachings of *Jo*, Applicant contends that dependent claims 5, 6, 9, 10, 19, 20, 33, 86, 113, 114, 117, 127, 128, 138, 141, 229, 233, 549-552, 554-556, 564, 573, and 574 are patentable over the cited references for at least the same reasons as the independent claim from which they depend.

Finality of the Present Rejections

MPEP § 706.07(e) provides that when “new facts or reasons are presented such as to convince the examiner that the previously rejected claims are in fact allowable ..., then the final rejection should be withdrawn.” As such, and in view of the present remarks, Applicant respectfully requests the Examiner withdraw the finality of the present rejections.

CONCLUSION

Based on the foregoing remarks, Applicant believes the rejections to the claims have been overcome, and that the present application is in condition for allowance. The Examiner is invited to contact Applicant's undersigned representative with any questions concerning this matter.

Respectfully submitted,
Nicholas A. J. Millington

September 2, 2008

By:



K. Brian Bathurst, Reg. No. 51,442

Carr & Ferrell LLP

2200 Geng Road

Palo Alto, CA 94303

T: 650.812.3400

F: 650.812.3444